



PUBLIC NOTICE

Federal Communications Commission
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DA 05-105

**SANDWICH ISLES COMMUNICATIONS, INC. SEEKS WAIVER
NUNC PRO TUNC OF THE DEFINITION OF “STUDY AREA” IN PART 36 AND
SECTIONS 36.611 AND 69.2(hh) COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: January 18, 2005

Comment Date: February 8, 2005

Reply Comment Date: February 22, 2005

On December 27, 2004, Sandwich Isles Communications, Inc. (Sandwich Isles), filed a petition requesting waiver, *nunc pro tunc*,¹ of the definition of “Study Area,” as codified in the Appendix-Glossary of Part 36, and sections 36.611 and 69.2(hh) of the Commission’s rules. 47 C.F.R. §§ 36.611, 69.2 (hh). Sandwich Isles’ petition is in response to the Commission’s order requiring it to seek and obtain a study area waiver in order to be treated as an incumbent local exchange carrier for purposes of receiving universal service support and part 69 of the Commission’s rules.² Sandwich Isles requests that the Commission “reestablish its study area as the Hawaiian Home Lands,”³ and permit Sandwich Isles to continue receiving universal service support based on its own costs.⁴

¹ The term *nunc pro tunc*, meaning “now for then,” refers to acts allowed to be done after the time when they should be done, with a retroactive effect. See BLACK’S LAW DICTIONARY 1069 (6th ed. 1990).

² See *GTE Hawaiian Telephone Company, Inc.*, AAD 97-82, Memorandum Opinion and Order, FCC 04-256, 19 FCC Rcd 22268 (2004) (*Verizon Hawaii*).

³ Sandwich Isles Communications, Inc., Petition for Waiver of the Definition of “Study Area” Contained in Part 36, Appendix-Glossary and Sections 36.611, and 69.2(HH) of the Commission’s Rules, CC Docket No. 96-45, filed December 27, 2004, at iii (Petition).

⁴ Sandwich Isles will continue to be treated as an incumbent LEC for purposes of receiving universal support until the Commission rules on the Petition. See *Verizon Hawaii*, 19 FCC Rcd at 22273, para. 10.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **February xx, 2005**, and reply comments on or before **February xx, 2005**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

The Commission's contractor, Natek, Inc., will receive hand-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; website www.bcpiweb.com; phone: 1-800-378-3160.
- (2) Katie King, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B544, Washington, D.C. 20554; e-mail: Katie.King@fcc.gov.
- (3) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street S.W., Room 5-B540, Washington, D.C. 20552; e-mail: Sheryl.Todd@fcc.gov

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portalls II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy Printing, Inc. 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone 1-800-378-3160.

For further information, please contact Sheryl Todd at (202) 418-7386.

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